Supreme Court, U. S.
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No. 75-543

In the Supreme Court of the United States

OCTOBER TERM, 1975

OSCAR ROOSEVELT DOVE, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

SUGGESTION OF ABATEMENT CAUSED BY DEATH

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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Petitioner was convicted of possessing heroin with intent to distribute, in violation of 21 U.S.C 841(a)(1), and of carrying a firearm during commission of that offense, in violation of 18 U.S.C. 924(c). The court of appeals affirmed (Pet. App. 47–48). Counsel for petitioner has filed a Suggestion of Death supported by a certificate showing that petitioner died November 14, 1975. Accordingly, the petition for a writ of certiorari should be granted, the judgment of the court of appeals vacated, and the case remanded to the district court with directions to dis-

miss the indictment. *Durham* v. *United States,* 401 U.S. 481.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

DECEMBER 1975.

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